

Application No. 10/062,685

Attorney Docket No. 01P23522US

**REMARKS**

Claims 1-32 are pending in this application. Claim 32 has been added by this amendment. Claims 3, 9, 13, 17, 20, 24 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1, 4, 5, 8, 9, 11, 15, 16, 17, 19, 22, 25, 26, 28, 29 and 30 are amended to distinctly point out and clarify the invention. The claims have been amended to replace the term "entity" with the term "healthcare provider". Support for these amendments can be found throughout the specification, specifically on page 8, lines 14-5 and 22-24, Figure 5; and page 9, lines 1-5 and in Figure 4, 305. Applicant respectfully submits that no new matter has been added by these amendments..

**Objection to the Claims**

Claims 2-10, 12-18, 20-21 and 23-31 are objected to because of informalities. In accordance with the Examiner's suggestion, 2-10, 12-18, 20-22 and 23-31 have been amended to correct the informalities identified in the Office Action. Applicant respectfully submits that no new matter has been added by the amendment. In view of the above remarks and amendments to the claims, Applicant respectfully submits that these objections have been satisfied and should be withdrawn.

**Rejection of Claims 1-2, 4-8, 10-12, 14-16, 18-19, 21-23, 25-29 and 31 under 35 USC 103(a)**

Claims 1-2, 4-8, 10-12, 14-16, 18-19, 21-23, 25-29 and 31 are rejected under 35 USC 103(a) as being unpatentable over Rozen et al. (U.S. Pat. 6,073,106) and further in view of Lee (U.S. Pat. App. 2002/0001367). These claims, as amended, are deemed to be patentable for the reasons given below.

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The present claimed invention describes a method and system for facilitating emergency logon for a healthcare provider. A logon process is provided that collects identification information and authentication information and provides access when identification information is authenticated by authentication information. A request for emergency logon is received from the healthcare provider and identification information is collected from the healthcare provider. Without authenticating the identification information collected from the healthcare provider, the healthcare provider is provided with emergency access." Claims 1, 11, 19 and 22 include similar features. Applicant respectfully submits that neither Rozen nor Lee, alone or in combination, discloses the present claimed invention.

Rozen describes a method for obtaining personal information, including emergency and confidential categories of medical information, and constant identifiers and passwords from participants. Specifically, the system manages personal patient information and controls access to the personal patient information (see, col. 1, lines 10-12). "The participant is also prompted to provide an instruction to disclose or to not disclose the personal information in the emergency category in the event a requester of the information is an emergency medical facility and is unable to provide the participant's emergency personal identification number (E-PIN)" (Abstract). Furthermore, the access control in the Rozen system is governed by a service provider (see col. 4, lines 33 – 36). Thus, it is respectfully submitted that the Rozen system is wholly unlike the present claimed invention.

Specifically, contrary to the assertions made in the office action, Rozen neither discloses nor suggests "collecting identification information from the healthcare provider" after a request for "emergency logon" **"without authenticating the identification information collected from the healthcare provider, providing the healthcare provider with emergency access"** as in the present claimed invention. In fact, Rozen discloses a system that does the opposite. Column 8, lines 33-64 of Rozen describe verifying "that the emergency facility requester is in fact such a facility" and "if there is an instruction to disclose" information in the participant's data file "the service

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provider's representative enters an **authorization** code which enables disclosure of the information in the emergency category and of the authorized documents to the emergency medical facility via internet communications or fax." This is wholly unlike the present invention. Contrary to Rozen, the present claimed invention provides the requester with access to the system "without authenticating the identification information collected from the healthcare provider." The passage cited on page 3 of the Office Action, provides an example of authenticating information, in the form of a password, however, authentication information, as stated in the application on page 2, line 27 to page 3, line 1 is "information that will be used to corroborate that the entity is the person who he is claiming to be." Therefore, Rozen's verification "that the emergency facility requester is in fact such a facility" is a form of authentication, as provided in the present invention, and is in direct opposition to the present claimed invention which provides the requester with access **"without authenticating the identification information collected from the healthcare provider."**

Not only does the present invention provide the requester with access "without authenticating the identification information collected from the healthcare provider," but the present invention also provides access to information about every patient. Thus, healthcare providers can provide quick and potentially life-saving treatment to every patient in an emergency situation, without any political obstacles. Rozen only provides access to information "if there is an instruction to disclose" that has been provided by the specific patient. Rozen is primarily concerned with managing a participant's medical information and thus enables the participant to "provide an instruction to disclose or to not disclose the information in the emergency category to any emergency care facility when the participant's E-PIN cannot be provided." Thus, the participant could be in a life-threatening situation, and the lack of participant authorization renders the emergency facility impotent. The present claimed invention allows for access to a system to be granted but only after "collecting identification information from the healthcare provider".

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The present claimed invention operates in a fundamentally different manner than the Rozen system and accomplishes a different objective. Rozen functions to ensure that, in an emergency situation, predetermined information provided by the patient is disclosed when a "service provider's representative then attempts to verify" that a requesting facility is an emergency facility. Upon the facility being verified (i.e., "authenticated"), the service provider checks to see if any information has been provided by the patient for disclosure thereto. The verification performed by Rozen teaches against the operation of the present claimed invention which provides emergency system access "without authenticating the identification information collected from the healthcare provider". Therefore, there is no 35 USC 112 compliant enabling disclosure provided in Rozen of the claimed feature and any inclusion of the claimed feature would teach against the existing disclosure provided by Rozen.

Lee describes a computer having an emergency calling function for contacting an appropriate organization or person to assist a person in an emergency case. The office action asserts on page 3, with respect to claim 1, that while Rozen "fails to specifically teach the use of an emergency logon button for executing the emergency request," Lee teaches this feature. However, an "emergency logon button" is not claimed **anywhere** in claim 1 of the present invention. As Lee is cited to provide a feature nowhere disclosed in claim 1 of the present claimed invention, Applicant respectfully submits that this Lee provides no 35 USC 112 compliant enabling disclosure that, alone or in combination with Rozen, would make the present invention as claimed in claim 1 unpatentable.

Applicant respectfully submits that there is no reason or motivation to combine Rozen with Lee. Rozen is concerned with managing a participant's medical information using instructions provided by the participant, while Lee is concerned with having a computer, whether in a power-on, power-save or power-off state, inform an appropriate organization or person of an emergency situation when an emergency call button is activated. While both Rozen and Lee relate to emergency situations, Rozen and Lee are responsive to different problems and thus it is respectfully submitted that the combination of these references to produce the present claimed invention would not be obvious.

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Rozen is concerned with providing access to user-specified information when a service provider verifies a request for such information originates from an emergency facility while Lee is concerned with obtaining emergency assistance when an emergency system is detected. Neither Rozen alone or in combination with Lee, disclose or suggest "receiving a request for emergency logon...collecting identification information...[and] without authenticating the identification information collected" providing emergency access to a healthcare provider.

Even if there was a motivation to combine these two references, the combination of the method of Rozen with the method and system of Lee as suggested in the Rejection results in a system and method for enabling a user to press an emergency button on a computer that calls the service provider managing the user's medical information. The combination of Rozen with Lee neither discloses nor suggests a system that provides emergency access to a healthcare provider "without authenticating the identification information collected from the healthcare provider" during the request for emergency logon. Thus, the present claimed system operates fundamentally differently from the systems of Rozen and Lee, either alone or in combination. Consequently, it is respectfully requested that the rejection of claim 1 be withdrawn.

Independent claim 22 includes similar features as discussed above with respect to claim 1 and is considered patentable for the reasons presented above with respect to claim 1.

Claims 2, 5 – 8 and 10 are dependent on claim 1 and considered patentable for the reasons presented above with respect to claim 1. Claims 23 and 26 – 31 are dependent on independent claim 22 and are considered patentable for the reasons presented above with respect to claims 1 and 22. Consequently, it is respectfully requested that the rejection under 35 USC 103(a) of claims 2, 5 – 8, 10, 23 and 26 - 31 be withdrawn.

Claims 4 and 25 are considered patentable for the reasons given in connection with claims 1 and 22. Claims 4 and 25 are also considered to be patentable because

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Rozen neither discloses nor suggests "the emergency access provided to the entity in (d) is the same as the access provided when identification information is authenticated by authentication information" as recited in the present claimed invention. Contrary to the assertion on page 4 of the office action, Rozen in column 6, lines 16-31 merely describes the information in the emergency category and is not concerned with the information in the other categories of the participant's record. The cited passage of Rozen indicates that the information provided in the emergency category is obtainable by the emergency facility when the participant's E-PIN cannot be provided only if the participant has provided this authorization in the file. Thus, if the participant does not provide authorization in the file, the emergency facility does not have access that is "the same as the access provided when identification information is authenticated by authentication information" as recited in the present claimed invention. Thus, Rozen teaches against the features of the present claimed invention. Thus, applicant respectfully submits that the rejection of claims 4 and 25 under 35 USC 103(a) should be withdrawn.

Independent claim 11 is considered patentable for the reasons presented above with respect to claim 1. Claim 11 is also considered patentable for the following reasons. Rozen provides no 35 USC 112 compliant enabling disclosure of a system that "operates in a first operating mode when identification information is authenticated by authentication information" and "operating the workstation in a second operating mode" if emergency access is provided "without authenticating the identification information collected from the healthcare provider" as in the present claimed invention. Rozen requires authentication of information prior to access and therefore neither disclose nor suggests the claimed feature.

Claim 12 and 14 – 16 are dependent on independent claim 11 and are considered patentable for the reasons presented above with respect to claims 1 and 11. Consequently, it is respectfully requested that the rejection under 35 USC 103(a) of claims 12 and 14 – 16 be withdrawn.

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Independent claim 19 is considered patentable for the reasons presented above with respect to claim 1. Claim 19 is also considered patentable because Rozen, alone or in combination with Lee, provides no 35 USC 112 compliant enabling disclosure of providing "emergency access" to a "computer based medical information system" by a healthcare provider wherein "read-only access to the medical data" is provided "without authenticating the information collected from the healthcare provider" which was entered during a request for emergency logon. As discussed above, Rozen **requires verification of an emergency facility** prior to providing any information to the requesting physician. While, Rozen does disclose providing "read-only access" to information, the information is specifically limited to information selected by a participant for release in an emergency. This is not equivalent to providing "read-only access to the medical data" "without authenticating the identification information collected" as in the present claimed invention. Rather, Rozen provides for a specific set of information selected by a user to obtained only after a service provider verifies the nature of the requesting entity (i.e. authentication). Thus, the operation of the present claimed system is fundamentally different from the operation of the system disclosed by Rozen.

Claim 21 is dependent on claim 19 and considered patentable for the reasons presented above with respect to claims 1 and 19. Consequently, it is respectfully requested that the rejection under 35 USC 103(a) of claim 21 be withdrawn.

In view of the above remarks and amendments to the claims, it is respectfully submitted that Rozen and Lee when taken alone or in combination, provide no 35 USC 112 compliant enabling disclosure showing the features claimed in claims 1, 11, 19 and 22. As claims 2, 4 – 8 and 10 are dependent on claim 1, claims 12, 14 – 16 and 18 are dependent on claim 11, claim 21 is dependent on claim 19 and claims 23, 25 – 29 and 31 are dependent on claim 22, it is respectfully submitted that claims 2, 4 – 8, 10, 12, 14 – 16, 18, 21, 23, 25 – 29 and 31 are patentable for the same reasons as claims 1, 11, 19 and 22 discussed above. It is thus further respectfully submitted that this rejection is satisfied and should be withdrawn.

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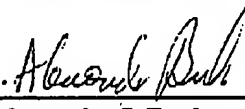
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Having fully addressed the Examiner's rejections, it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at the phone number below, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,  
Frederick M. Hall

Date: May 1, 2006

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